

Filed for intro on 02/03/2000
SENATE BILL 2944 By
Cooper

HOUSE BILL 3065
By Kisber

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 6; Title 68, Chapter 102 and Chapter 238 of the Public Acts of 1999, by enacting the "Limited Licensed Electricians' Act of 2000".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Part 102, is amended by adding sections 2-16 of this act as a new part.

SECTION 2. The title of this part is and may be cited as the "Limited Licensed Electricians' Act of 2000."

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Limited licensed electrician" means any person who performs any electrical work that has a total cost of less than twenty-five thousand dollars (\$25,000.00);

(2) "Division" means the division of fire prevention within the department of commerce and insurance.

SECTION 4. Any person engaged in electrical work in this state shall be required to submit evidence of qualification to engage in electrical work, and shall be licensed as hereinafter provided. It is unlawful for any person to engage in or offer to engage in electrical

work in the state unless such person has been duly licensed under the provisions of this part, as hereinafter provided. Any person engaged in electrical work, including such person that engages in electrical work on residential construction on private property for the purpose of resale, lease, rent or any other similar purpose, shall be required to submit evidence of qualification to engage in electrical work, and shall be licensed.

SECTION 5. (a) The division may promulgate such rules and regulations in accordance with the Uniform Administrative Procedures Act, title 4, chapter 5, which it deems necessary to effectuate the provisions of this part.

(b) The division may also prescribe forms required for the administration of this part.

SECTION 6. (a)(1) Anyone desiring to engage in electrical work as a limited licensed electrician in this state shall make written application to the division on such forms as are prescribed by the division. The application shall be accompanied by a non-refundable application fee set by the division.

(2) If the application is satisfactory to the division, then the applicant is entitled to an examination to determine the applicant's qualifications. The division shall charge each applicant an examination fee as set by the division for each examination. The division may administer such examination or may contract for the administration of such examination.

(3) If the results of the examination of an applicant are satisfactory to the division, then the division may issue to the applicant a license authorizing the applicant to operate as a limited licensed electrician in this state and charge a fee for such license.

(b)(1) Notwithstanding any provision of the law to the contrary, the division may issue a license as a limited licensed electrician to any person without an examination as required by this part if such person makes an application to the division in which the following information is provided:

(A) Proof that, on January 1, 2001, the applicant was registered in accordance with the provisions of Section 68-102-150; and

(B) Evidence that all fees relative to the operation of such applicant's electrical work have been paid to the appropriate agencies when such application is filed under this subsection; or

(C) A current copy of a license or certification issued by any county or municipality of this state prior to January 1, 2001, that is evidence that such applicant had by examination by an official of such county or municipality demonstrated the qualifications required to perform such electrical work within its jurisdiction and was actively engaged in such business on January 1, 2001.

(2) Applications for a license under the provision of this subsection shall be filed with the division before January 1, 2002. If a license issued to a limited licensed electrician pursuant to the provisions of this subsection is not periodically renewed as provided by this part, then such limited licensed electrician shall be eligible for a license only after the satisfactory completion of the examination required by the division.

(c) The exemption provisions of subsections (a)(2) and (a)(3) of Tennessee Code Annotated, Section 62-6-103, on licensure shall apply to limited licensed electricians.

(d) Notwithstanding any provision of this act to the contrary, a license as a limited licensed electrician shall not be required in any municipality or county that issues licenses to persons who perform electrical work in such municipality or county.

(e) Any limited licensed electrician required by this part to be licensed, who requests electrical inspection must first have a license as a limited licensed electrician issued by the division.

(f) The division shall formulate a system for inspectors to report any problems they may encounter with the workmanship or conduct of a limited licensed electrician.

(g) Compliance with this part shall be deemed sufficient for meeting the requirements of Section 68-102-150.

SECTION 7. The provisions of the Uniform Administrative Procedures Act, compiled in title 4, part 5, govern all matters and procedures respecting the hearing and judicial review of any contested case, as defined therein, arising under this part.

SECTION 8. (a) The division shall prescribe fees for the application, examination, issuance and renewal of licenses of limited licensed electricians. Such fees shall be in an amount that provides for the cost of administering the licensing and regulation of limited licensed electricians. Fees shall be adjusted as necessary to provide that the licensing of limited licensed electricians is fiscally self-sufficient and that revenues from fees do not exceed necessary and required expenditures.

(b) In no event will the fee for an initial license or renewal thereof exceed seventy-five dollars (\$75.00).

SECTION 9. (a) The division may refuse to issue or renew and revoke or suspend the license of a limited licensed electrician for electrical work that violates the electrical codes as adopted by the division or for gross negligence, incompetency, fraud, dishonest dealing and/or misconduct in performing electrical work.

(b) The division may refuse to issue or renew and revoke or suspend a license of any person for lack of expertise, submission of false evidence with regard to any application for license or renewal, conviction of a felony, or any other conduct which constitutes improper, fraudulent or dishonest dealing, or any other violation of this part.

(c) In addition to or in lieu of any other lawful disciplinary action, the division may assess a civil penalty against any limited licensed electrician or any person required to be licensed as a limited licensed electrician for each separate violation of this part.

SECTION 10. A duplicate license to replace any license lost, destroyed or mutilated may be issued subject to the rules and regulations of the division.

SECTION 11. (a) A license expires on the last day of the twelfth month following its issuance or renewal, and becomes invalid on such date unless renewed.

(b) Renewal notices shall be mailed ninety (90) days prior to the expiration date of the license. Such renewal must be received by the division thirty (30) days prior to the expiration of such license and shall be accompanied by a renewal fee.

(c) It is the duty of the division to notify by mail every person licensed hereunder of the date of expiration of this license and the amount of fee required for its renewal for one (1) year. Such notice shall be mailed in accordance with this part.

(d) The fee to be paid for the renewal of a license after the expiration date shall be increased ten percent (10%) for each month or fraction of a month that payment for renewal is delayed. The maximum fee for a delayed renewal shall not exceed twice the normal fee.

(e) No limited licensed electrician shall be qualified to receive a renewal license when such limited licensed electrician has failed to comply with the provisions of this part for a period of one (1) year, and in such event the limited licensed electrician, in order to qualify under the law, shall make a new application as in the case of the issuance of the original license.

SECTION 12. Any person who engages or offers to engage in electrical work without a license as required by this part, or who violates the provisions of this part or any rule or regulation duly promulgated thereunder, commits a Class A misdemeanor.

SECTION 13. The division shall inquire into the identity of any person operating under this part and shall prosecute any person violating the provisions of this part.

SECTION 14. (a) In order to secure the effective enforcement of this part, jurisdiction is conferred on the chancery court of this state to grant injunctive relief against any person or legal entity undertaking to perform electrical work in violation of this part.

(b) Such injunction suit shall be filed in the name of the state of Tennessee on relation of the division of Fire Prevention, without bond being required for prosecution of the suit or for the issuance of injunction.

(c) Any expenses incurred, such as depositions, travel expenses or attorney fees, required for the prosecution of the suit, shall be paid in the same manner as other expenses incurred by the division.

SECTION 15. Nothing in this part shall be construed to provide that a limited licensed electrician is a contractor. It is the intent of this part to provide that a limited licensed electrician is subject to the jurisdiction of the division solely for the purposes of licensure and disciplinary proceedings. No limited licensed electrician shall be authorized to use the appellation "contractor" or any other designation that gives or is designed to give the impression that a limited licensed electrician is a contractor.

SECTION 16. No person shall be required to post a bond, provide a financial statement or a letter of reference in order to obtain a license as a limited licensed electrician.

SECTION 17. It is the intent of the general assembly to repeal Chapter 238 of the Public Acts of 1999 in its entirety by amending appropriate sections of the Public Chapter or Tennessee Code Annotated as follows:

(1) Tennessee Code Annotated, Section 62-6-102(2), is amended by deleting the word and figures "or (6)" after the word and figures "subdivision (3)(A)".

(2) Tennessee Code Annotated, Section 62-6-102, is amended by deleting subdivision (6) in its entirety;

(3) Tennessee Code Annotated, is amended by deleting Sections 62-6-130 and 62-6-131, in their entirety;

(4) Tennessee Code Annotated, Section 62-6-111(a)(1) deleting the language "or in the case of a limited licensed electrician where the amount of such applicant's contract is less than twenty-five thousand dollars (\$25,000)", in the first sentence after the words and figures "exceeds twenty-five thousand dollars (\$25,000)";

(5) Tennessee Code Annotated, Section 62-6-111(d), is amended in the second sentence by deleting the language "or in the case of a limited licensed electrician where

the amount of work is less than twenty-five thousand dollars (\$25,000)", after the words and figures "of twenty-five thousand dollars (\$25,000)";

(6) Tennessee Code Annotated, Section 62-6-120(b), is amended in the first sentence by deleting the words and punctuation "or in the case of a limited licensed electrician where the amount is less than twenty-five thousand dollars (\$25,000)," after the words and punctuation "and sufficient monetary limitations,";

(7) Tennessee Code Annotated, Section 62-6-111, is amended by deleting subsection (j) in its entirety;

(8) Tennessee Code Annotated, Section 62-6-103, is amended by deleting subsection (a)(4) in its entirety.

SECTION 19. Sections 10 and 11 of Chapter 238 of the Public Acts of 1999 are deleted in their entirety.

SECTION 20. For purposes of rulemaking, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2001, the public welfare requiring it.